AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figs. 1-3. This sheet, which includes Figs. 1-3, replaces the original sheet including Figs. 1-3. In Figs. 1-3, descriptive labels for the boxes have been provided.

Attachment: Replacement Sheet

REMARKS

I. Introduction

Claims 6 and 8-12 are currently pending, among which claims 9, 10 and 12 have been withdrawn from further consideration. In view of the foregoing amendments and the following remarks, it is respectfully submitted that claims 6, 8, and 11 under consideration are allowable.

II. Objection to Specification

With respect to the Specification, the Office Action states that "the phrase 'also runs on safety module SCAN [sic]' should read 'also runs on processor μC.'" (Office Action, p. 2). Applicants respectfully submit that the Examiner is misinterpreting the Specification. In this regard, the Substitute Specification makes clear that sensor signals are analyzed independently by both the processor and the safety module SCON, and that the safety module SCON may perform two different operations in connection with the sensor signal analysis, i.e., use "straightforward, fixed threshold values" and/or run a "straightforward algorithm." (Substitute Specification, page 3, line 31 to page 4, line 2). Accordingly, no informality is deemed to be present in the specification. Withdrawal of this objection is respectfully requested.

III. Objection to the Drawings

In response to the Examiner's comment that "some of the blocks are not labeled, and as such the drawings do not aid in understanding the invention," Applicants are submitting replacement drawing sheet containing corrected Figs. 1 to 3 containing descriptive labels. Accordingly, withdrawal of this objection is respectfully requested.

IV. Objection to Claim 6

With respect to claim 6, the Office Action states that "an integrator for integrating the integrated acceleration signal" is presumed to mean "a single integration (to yield velocity) rather than double integration (to yield displacement)." (Office Action, p. 3). While the objection may not be agreed with, to facilitate matters, claim 6 has been rewritten to recite "an integrator for outputting the integrated acceleration signal," thereby obviating the present objection. No new matter has been added, and claim 6, as presented, is supported by the Substitute Specification. Withdrawal of this objection is therefore respectfully requested.

V. Rejection of Claim 6 under 35 U.S.C. § 112, Second Paragraph

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, i.e., "releases" in claim 6 is allegedly ambiguous. While the rejection may not be agreed with, to facilitate matters, claim 6 has been rewritten to recite "enables" as suggested by the Office Action, thereby obviating the present objection. No new matter has been added, and claim 6, as presented, is supported by the Substitute Specification. Withdrawal of this rejection is therefore respectfully requested.

VI. Rejection of Claim 6 under 35 U.S.C. § 103(a)

Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,083,276 (the "Okano '276 reference"), in view of GE press release "GE Energy Introduces New Vibration Transducer" (the "GE reference"). Applicants respectfully submit that claim 6 is allowable, for the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007).

Independent claim 6 recites the following:

> *6. A control unit for actuating a passenger protection arrangement, comprising:*
> *a processor; and*
> *an electronic safety switch that, as a function of a signal of an acceleration sensor system, enables an output stage independently of the processor, the processor actuating the output stage as a function of the signal, wherein the safety switch analyzes an integrated*

acceleration signal as the signal of the acceleration sensor system, wherein the acceleration sensor system includes an integrator for outputting the integrated acceleration signal.

With respect to the teachings of Okano '276, this reference merely indicates two acceleration sensors 20A, 20B, a microcomputer 24 for performing calculations of integration, and two analog processing circuits 22A, 22B which include integrating circuits 40. (Okano '276, col. 2, lines 3 to 31). Although the Examiner appears to assert (on page 4 of the Office Action) that comparators 50 of the Okano '276 reference are equivalent to the claimed electronic safety switches, this characterization is clearly incorrect. As recited in claim 6 of the present application, the **electronic safety switch enables an output stage independently of the processor**. In contrast, the Examiner explicitly acknowledges that "the comparators (50) enable the gates (60, 61) to act **when the outputs of the microcomputer are HIGH**." (Office Action, p. 5). Accordingly, the comparator (50) of the Okano '276 reference are clearly dependent upon the output of the microcomputer in enabling the gates (60, 61). Thus, it is respectfully submitted that the comparators (50) are not electronic safety switches that **enable an output stage independently of the processor**, as recited in claim 6.

Furthermore, to the extent the Office Action asserts that the GE reference discloses the feature of that *the safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system*, and *the acceleration sensor system includes an integrator for outputting the integrated acceleration signal*, as recited in claim 6, Applicants note that **the GE reference does not constitute prior art against the present application**. In this regard, the GE reference was **published on September 22, 2004**. The present application is the national stage of PCT/DE04/01619, having an international filing date of **July 22, 2004** (which is the effective U.S. filing date of the present application), and claims priority to German Application No. 103 50 919.4, filed on October 31, 2003. A claim of priority was made, *inter alia*, in the Declaration and Power of Attorney, and the Office has acknowledged receipt of the certified copies of the priority documents. As such, the GE reference does not constitute prior art against the present application.

Since the Examiner explicitly acknowledges that Okano '276 does not teach all of the features of claim 6, and since the GE reference does not constitute prior art against the present application, independent claim 6 can not be rendered obvious by the Okano '276

reference and the GE reference. It is therefore respectfully requested that the rejection be withdrawn.

VII. Rejection of Claim 8 under 35 U.S.C. § 103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Okano '276 and GE references, in view of U.S. Patent No. 5,431,441 (the "Okano '441 reference"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

Applicants note that claim 8 depends from independent claim 6. As noted above, claim 6 is not rendered obvious by the combination of the Okano '276 and GE references. In addition, the Okano '441 reference fails to remedy the deficiencies of the combination of the Okano '276 and GE references as applied against parent claim 6. Specifically, the Okano '441 reference also does not disclose, or suggest, the features that *the safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system*, and *the acceleration sensor system includes an integrator for outputting the integrated acceleration signal*, as recited in parent claim 6. The Okano '441 reference does not indicate that the signal of the acceleration sensor 1 is an integrated acceleration signal. Further, since the first and second integral circuits 4, 10 perform integration, the Okano '441 reference does not indicate that the acceleration sensor 1 includes an integrator. (Okano '441, Figure 1). Therefore, the combination of the Okano '276, GE, and Okano '441 references does not render obvious claim 6 or its dependent claim 8.

It is therefore respectfully requested that the rejection be withdrawn.

VIII. Rejection of Claim 11 under 35 U.S.C. § 103(a)

Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the Okano '276 and GE references, in view of U.S. Patent No. 5,351,185 (the "Takeuchi reference"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

Applicants note that claim 11 depends from independent claim 6. As noted above, claim 6 is not rendered obvious by the combination of the Okano '276 and GE references. In

addition, the Takeuchi reference fails to remedy the deficiencies of the combination of the Okano '276 and GE references as applied against parent claim 6. Specifically, the Takeuchi reference also does not disclose, or suggest, the features that *the safety switch analyzes an integrated acceleration signal as the signal of the acceleration sensor system*, and *the acceleration sensor system includes an integrator for outputting the integrated acceleration signal*, as recited in parent claim 6. The Takeuchi reference does not indicate that the signal of the acceleration sensor 10 is an integrated acceleration signal. Further, since the microcomputer 30 performs integration, the Takeuchi reference does not indicate that the acceleration sensor 10 includes an integrator. (Takeuchi, col. 5, lines 36 to 37; and col. 7, lines 40 to 42). Therefore, the combination of the Okano '276, GE, and Takeuchi references does not render obvious claim 6 or its dependent claim 11.

It is therefore respectfully requested that the rejection be withdrawn.

IX. Conclusion

Applicants respectfully submit that claims 6, 8 and 11 of the present application under consideration are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

(R. No. 36,197)

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